GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Water Resources Department - Land Acquisition for foreshore submersion of Kandaleru Reservoir under Telugu Ganga Project – Compensation for pomegranate enhanced by the *Hon'ble Apex Court in it's orders dated:07.07.2021 in* CA No.2337/2021 in SLP No.8710/2021 & batch cases – Decretal charges of *Rs.1,47,56,348/- (including Income tax of Rs.41,81,236/-)* with regard to three (3) matters (i.e., CA No.2341, 2342 & 2346/2021 in SLP (C)No(s).29935/2018, 29936/2018 and 8716/2021 respectively) covered in LAOP No(s).57/1993 (Penubarthi village), 36/2002 (Akalivalasa village) & 74/1999 (Gundavolu village), Rapur Mandal, SPSR Nellore District - Sanction accorded - Orders – Issued.

==========

WATER RESOURCES (LA) DEPARTMENT

G.O.Rt.No.1867 Dated:05.09.2022

Read the following:-

1. Orders dated:07.07.2021of the Hon'ble Supreme Court of India in CA No.2337/2021 in SLP (C)No.8710/2021 & batch cases (Civil Appeal No.2337,2338,2339 and 2340/2021 in SLP (C)No(s).8710,8711, 8712 and 8713 of 2021 respectively).
2. G.O.Rt.No.571, Water Recourses (LA) Department, Dated:20.04.2022.
3. From the Chief Commissioner of Land Administration & Special Chief Secretary, A.P., Magalagiri, Lr.No.LA-II(B)/856/2022,Dt.27.06.2022 (proposal in CA No.2341/2021 in SLP No.29935/2018).
4. From the Chief Commissioner of Land Administration & Special Chief Secretary, A.P., Magalagiri, Lr.No.LA-II(B)/857/2022,Dt.27.06.2022 (proposal in CA No.2342/2021 in SLP No.29936/2018).
5. From the Chief Commissioner of Land Administration & Special Chief Secretary, A.P., Magalagiri, Lr.No.LA-II(B)/855/2022,Dt.27.06.2022 (proposal in CA No.2346/2021 in SLP No.8716/2021).

***

ORDER:

In the ref. 1st read above, the Hon'ble Supreme Court of India, New Delhi disposed off the Civil Appeal No.2337 of 2021 and batch cases on 07.07.2021, pronouncing judgment on the same terms as ordered by the Three-Judge Bench in the decision dated:29.11.2016 in Civil Appeal Nos.11404-11405 of 2016.

2. Since the **Hon'ble Apex Court listed the matter in** Contempt Petition No(s).48,49,50,51 and 52 of 2022 filed in Civil Appeal No(s). 2337,2338,2339, 2340 and 2345 of 2021 respectively on 22.04.2022**,** **i**n view of the letter circulated by the learned counsel (AoR) seeking adjournment for filing compliance affidavit, Government have issued orders in G.O. 2nd read above, sanctioning an amount of Rs.7,31,14,227/- (including Income tax of Rs.83,45,230/-) towards decretal charges for payment of enhanced compensation in respect of pomegranate trees covered in LAOP No(s).60/1991, 112/1991 and 17/1993 relating Akalivalasa and Penubarthi villages of Rapur Mandal, SPSR Nellore District acquired for foreshore submersion of Kandaleru Reservoir under Telugu Ganga Project. Thus, Hon'ble Apex Court disposed off the said Contempt Petitions on 25.04.2022 saying that, *"these contempt petitions are not pressed as the respondents have complied with the direction given by this Court. Notice(s) stand discharged".*

3. In the references 3rd to 5th read above, the Chief Commissioner of Land Administration & Special Chief Secretary, A.P., Magalagiri has submitted proposals in the remaining three (3) matters i.e., in CA No.2341, 2342 & 2346/2021 in SLP (C)No(s).29935/2018, 29936/2018 and 8716/2021 respectively, covered in judgment dated:07.07.2021, for sanction an amount of *Rs.1,47,56,348/- (including Income tax of Rs.41,81,236/-)* towards decretal charges for payment of enhanced compensation in respect of pomegranate trees covered in LAOP No(s).57/1993 (Penubarthi village), 36/2002 (Akalivalasa village) & 74/1999 (Gundavolu village), Rapur Mandal, SPSR Nellore District acquired for foreshore submersion of Kandaleru Reservoir under Telugu Ganga Project.

4. Government after careful examination of the matter, hereby accord sanction for an amount of *Rs.1,47,56,348/- (Rupees One crore Forty Seven lakh Fifty Six thousand Three hundred and Forty Eight only) (including Income tax of Rs.41,81,236/-)* towards decretal charges for payment of enhanced compensation in respect of pomegranate trees covered in LAOP No(s).57/1993 (Penubarthi village), 36/2002 (Akalivalasa village) & 74/1999 (Gundavolu village), Rapur Mandal, SPSR Nellore District acquired for foreshore submersion of Kandaleru Reservoir under Telugu Ganga Project, subject to conditions that,-

i. satisfying themselves regarding the accuracy of the calculation sheets and obtaining undertaking from the concerned claimants agreeing to the recovery of the excess amount paid, if any.
ii. verification whether the reference under Section 18(1) of the L.A. Act is made to the Lower Court after following all the guidelines / directions on the subject;
iii. in case, it is detected that section 18 reference was made contrary to the rules/guidelines issued by the Government / Chief Commissioner of Land Administration, Andhra Pradesh, immediate action should be taken to recover the loss sustained by the Government from the staff concerned and filing of restitution petition;
iv. confirmation of concerned Chief Engineer as to the extent of land acquired;

v. reviewing the interest calculations as per the specific Government orders issued (duly furnishing) and also outcome of the court cases pending if any;
vi. to ensure the correctness of the amount as per the orders of Hon'ble Supreme Court of India; and
vii. the Special Collector (LA), TGP, Nellore shall verify at his/her level thoroughly the calculations made by the Special Deputy Collector (LA), Rapur Unit with reference to the decree and instructions issued by the Government/Chief Commissioner of Land Administration, on the subject matter from time to time, to avoid excess and double payment before depositing the above sanctioned decretal amount in the respective Lower Court.

5. The details of decretal charges sanctioned in para (4) above are mentioned in the table below:-

Sl. No.	Name of Claimant S/s	Pomegranate trees covered in village of Rapur (M)	SLP No.	Civil Appeal No.	Amount in Rs.	Income Tax in Rs.
1	Chall Rajasekhar Reddy	Penubarthi	29935/20218	2341/2021	7815031	2145850
2	Mallampudi Venkata Reddy	Akalivalasa	29936/2018	2342/2021	6216159	1857634
3	Mamuduru Narasimhulu (Died) his LR M.Penchala Swamy	Gundavolu	8716/2021	2346/2021	725158	177752
	Total				14756348	4181236

6. The expenditure sanctioned in para (4) above shall be debited to the Head of Account under "4700 - COL on Major Irrigation; 01 – Major Irrigation; MH.123 NTR TGP - G.H. (11) – Normal State Plan; S.H. (26) Dam and Appurtenants works; 530 Major Works; 532 – Lands (Charged)".

7. The Chief Commissioner of Land Administration and Special Chief Secretary to Government, Andhra Pradesh, APIIC Building, Mangalagiri / the Special Collector (LA), TGP, Nellore shall take necessary action in the matter, accordingly.

8. This order issues with the concurrence of Finance Department vide their U.O.No. FIN01-FMU0MRAS (WR2)/38/2022-FMU-WR-II (Computer No:1699140), Dated:15.08.2022.

[BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH]

SHASHI BHUSHAN KUMAR
PRINCIPAL SECRETARY TO GOVERNMENT

To
The Chief Commissioner of Land Administration and Special Chief Secretary to Government, Andhra Pradesh, APIIC Building, Mangalagiri.
The Special Collector (LA), TGP, Nellore.
The Special Deputy Collector (LA), Rapur Unit at Nellore.
The Chief Engineer, NTR TGP, Tirupati.
The Accountant General, Andhra Pradesh, Vijayawada.
The Director of Works Accounts, 'C' Block, Anjaneya Towers, Ibrahimpatnam, Vijayawada.

Copy to:-

The Advocate on Records, AP Bhavan, No.1, Ashoka Road, New Delhi-110001.
The PS to Minister (WRD).
The P.S. to Principal Secretary to Government, W.R. Department
The Finance (FMU-WR-II) Department
File No.ICD01/230/2022-LA (Computer No.1636274)
SF/SC.

//Forwarded :: By Order//

SECTION OFFICER